

# STATE WITNESS MAY ACQUIT M'DONNELL.

Man Who Was Subpoenaed by Prosecution Gives Valuable Testimony for the Defense.

THEY FIGURE AT M'DONNELL TRIAL.



WITNESS JOHN ELLER, DISTRICT ATTORNEY DELANEY, AND M'DONNELL.



The sensation to-day in the trial of Myles McDonnell for the killing of George Price in the Onawa Cafe, was the testimony of Charles Garthe, assistant cashier in the cafe, who was subpoenaed by the prosecution. He proved an excellent witness for the prisoner.

Garthe told of the meeting between Kennedy and McDonnell in the saloon; of McDonnell saying, "You fellows may want to do me;" of Kennedy replying, "Yes;" and then drawing a revolver from his pocket.

There was then, according to the witness, a struggle, in which McDonnell got the upper hand. Then, Garthe testified, McDonnell said to Kennedy: "I've got you, but I'll spare your life."

The lawyers for the defense were elated over the testimony and declared that it would acquit McDonnell.

The trial will conclude by Wednesday. McDonnell's lawyers, Abraham Levy and ex-Assistant District Attorney, U. S. Garthe, believe that by that time Justice Furman, who presides, will be convinced of the defendant's innocence and will either order a verdict of not guilty or take the case from the jury.

Kennedy's Revolver.

John Ehlers, the Onawa Cafe bartender, who testified for the defense, was recalled.

"Did you say the revolver you saw in Kennedy's hand was a short one?" asked Mr. Levy.

"Yes."

"Do you know its caliber?"

"No, I do not."

Assistant District Attorney Delaney asked but one important question.

Charles Garthe, a youth of eighteen, of No. 132 Avenue B, who had been subpoenaed by the District Attorney, was called by the defense.

"Who subpoenaed you?" asked Lawyer Ehlers.

"The District Attorney," said Garthe.

"Have you been in consultation with him?"

"Now, Mr. Unger," spoke up Justice Furman, decidedly, "You are not to be permitted to try to prejudice the jury by the fact that any witness may have been examined by the District Attorney. You may as well stop that."

Garthe said he was assistant cashier of the Onawa Cafe on the night of the shooting.



LAWYER UNGER, BRINGING DOWN BY JUSTICE FURMAN.

draw his pistol and pressed it against Kennedy's breast.

"I'll spare your life," I heard him say.

"I ran out to the office and heard two more shots in rapid succession. Then I went out for an officer."

"What kind of a revolver did Kennedy have?" asked Assistant District Attorney Delaney.

"It was a short one," replied the witness, "about six inches," holding his hands about four inches apart.

"Didn't you testify at the Coroner's inquest that you told the policeman McDonnell was the shooter?"

Charles L. Quinn, who roomed in the Onawa Hotel at the time of the shooting, testified that he saw the affair. He knew all the principals in the shooting, either personally or by sight. He said:

"McDonnell was in the cafe at 8:30 o'clock, but started to go home to City Island. He missed his train and came back. We were standing near it."

"Price said something to McDonnell, and Price and McDonnell said 'All right, I'll see him.'"

"Kennedy stood by the bar railing. 'Come over here,' he called to McDonnell. 'I want to talk with you.'"

"McDonnell went over and they talked. We had several drinks. Finally Kennedy began to argue with McDonnell."

"Price, who had been sitting at the bar, got up and came over. Kennedy said, 'Oh, cut that out!'"

Kennedy Pulled Revolver.

"Don't cut anything out," said McDonnell, "you've got anything to say you might as well have it out right now. They kept arguing and I heard Kennedy say, 'Well, if that's so, then here goes,' and he pulled his gun."

The witness described the shooting, corroborating other witnesses, who testified that Kennedy drew first.

"Pretty soon," said Courtney Jump up and grab McDonnell's arm. He said, 'Throw it into him, Tom. I've got him.'"

"McDonnell threw him off and then I saw Price level a pistol. Then the shooting became hot and fast."

Shooting of McGinnis.

"McGinnis, a friend of McDonnell, threw up his hands and said, 'They have done me.' He fell over backward."

"The next I saw was Courtney standing hanging on to the bar trying to hold himself up. He threw something over the lunch counter, then he toppled over."

"What did Courtney throw over the lunch counter?"

"I looked like a pistol."

"Then the next I remember was seeing Kennedy and McDonnell struggling. Kennedy got his arm down and started to run out. He had his pistol leveled."

"Don't shoot," I said, "you might hit the wrong party." He ran out.

"How long did the shooting last?"

"About a minute and a half, I should say."

"How many shots were fired?"

"About a dozen."

"What else did you hear McDonnell or Kennedy say before the shooting?"

"I heard McDonnell say, 'Kennedy, I'm not afraid of your gang, but I'm afraid of that you've got in your pocket. You might do some damage with that.'"

"What did Kennedy say?"

"He mumbled something I couldn't understand."

"Did you see McDonnell draw his pistol?"

"No, I didn't see his gun till the policeman took it away from him."

"Did McDonnell say anything to Kennedy when he held his arm up?"

"I heard him say 'I've got you, but I'll spare you. You've got a family, and so have I.'"

Victim's Widow in Court.

Mrs. Price, the widow of the slain man, now in black, and her two little ones came to court after recess and furnished the only pathetic touch to the scene.

Robert Mackay was called. He was one of the party in the cafe on the night of the shooting. He was a friend of all the parties, he said. He was asked to tell what he saw and heard.

"I saw Kennedy and McDonnell talking over by the radiator. They then walked toward the bar. I heard McDonnell say: 'Somebody has been carrying tales about me. I don't know who, but I'll find out.' Then Pevsey spoke up. 'What are you pointing at me for?' he said."

"It goes for everybody," said McDonnell.

"Then Price said: 'Don't stand for it, Tom. You've got him,' and then Kennedy pulled his gun. McDonnell caught his arm and two shots were fired in the air. He then went on to corroborate the other witnesses' stories of the shooting."

Mr. Mackay's evidence was absolutely unshaken until tomorrow, so that he could secure the presence of Robert Shannon, a bookmaker and an important witness.

"If you will agree," said Justice Furman, "to close this case so that it can go to the jury by Wednesday night I will do so."

Adjournment was then taken until tomorrow at 10:30 o'clock.

## BLIND BOY DEAD IN THE RIVER.

Hyman Discher Knew City Well and Went About Alone.

Hyman Discher, a blind boy, fourteen years old, who lived at No. 238 Monroe street, was found drowned in the Harlem River near Hingridge, to-day. He was one of ten children. He attended the Blind Asylum School at Ninth Avenue and Thirty-fourth street, but was home on vacation. He was found of walking and made his way about the city without even using a cane.

He left home Friday morning and at 4 o'clock was at the candy store of his mother, Mrs. Colla Greenberg, of No. 218 Amsterdam street, which he left a little later, with \$2 in his possession.

A laundry ticket with the boy's name was found on the body to-day.

The police are trying to learn whether the boy might have fallen into had hands and been robbed and thrown into the river.

WINDOW FALL MAY KILL HIM.

Miller Tumbled Four Stories and Fractured His Skull.

Eugene O. Miller, twenty-eight years old, of No. 102 West Eighty-ninth street, fell from the fourth story of his home to-day, and fractured his skull.

He was taken to the J. Hood Wright Hospital, where it was said he would probably die.

# BAKER'S SO DEAD; VICTIM OF MAFIA.

Young Man Shot to Death—A Story of Romance and Murder.

A young man found dead with a bullet in his brain, lying face downward on the sidewalk on Prospect place near Third Avenue, 150 feet from his home, the tragic tale of a former murder in Philadelphia, and the vengeance of the Mafia, the story of a deserted wife and a second marriage under an assumed name, is the mystery that has set the best detective talent at work in Brooklyn to-day.

The man is Dominick Antonio Salomando, a handsome and graceful Italian twenty-eight years old. He was the son of a rich banker in Philadelphia.

There were stories of a fast life and a drained purse and a stealing away from the Quaker City by night into Brooklyn. Then there was a marriage. So it was this morning a wife was waiting in the little home, No. 1271 Prospect Place for her husband.

Body Found.

At 3:45 o'clock Joseph Cummings, a watchman for John X. Sullivan, who keeps a livery stable near Salomando's home, saw the body stretched out on the sidewalk on the north side of the street. It was still warm.

The bullet had entered the left eye. Cummings ran to Sandy Floyd, the superintendent of the stables, and the alarm was given to the police.

Floyd knew the man and went to the house and told his wife, who was at the window waiting and watching for the return of her husband.

The woman ran to the place where her husband lay. She fell down on her knees and threw her arms around him. She wept in her grief and cried hysterically. She raised her arms and shrieked:

Young Wife's Oath.

"Oh, God! Let me be avenged! I will place a dagger into the heart of the murderer of my husband!"

With difficulty the police took her away to her home. The body was taken at once to the Atlantic Avenue station-house and Coroner's Physician Wuerst made a post-mortem examination.

A bullet from a .38-calibre revolver had entered his left eye and lodged in the brain. The fact that no pistol was found led the police to believe that he had been murdered.

Detectives Jones and McCready and Capt. Timothy White, of the Atlantic Avenue station-house, and Detective Vachira, head of Capt. Reynolds's staff, are working on the case.

Antonio Salomando's brother, Antonio Salomando, placed under arrest pending investigation of the case. He was a member of the Mafia.

When found Salomando had no money about him. There are three theories concerning the murder. One is that he was slain by the Mafia out of revenge for the alleged murder in Philadelphia. Another is that he was murdered by relatives of his Philadelphia wife, and the third is that relatives of his present wife killed him for despoiling her.

Salomando clerked in a drug store on Myrtle Avenue near Vanderbilt Avenue. The police this afternoon sent out a general alarm for the arrest of two Italian men, about 30 years of age, of medium build, with a dark mustache, and in thirty-six years old. The other is 5 feet 6 inches tall, weighs 145 pounds, and is thirty-six years old.

Heard Pistol Shot.

It is said by some of Salomando's acquaintances that he was greatly alarmed that his identity was disclosed, and the fact that the Mafia of the secret society would follow him to Brooklyn and murder him.

They were making arrangements to flee from Brooklyn and locate in some other city. It is believed that this purpose that he came to Manhattan last night to get money, as he and his father had lost their wealth. He refused to disclose, who said he heard a pistol shot at 2:30 o'clock this morning.

Victim Was Fearful.

Capt. Timothy White this afternoon again sharply examined Rappullo, who finally said that some man had followed him from the Bowery to Manhattan to Brooklyn. When they parted at the livery stable Rappullo says his brother was always afraid of the Mafia.

He said: "I guess I'll get through all right. I'll fight anyway."

To a reporter who asked the man was murdered by some relative of his second wife. On the other hand, some of the police officers have the opinion that Salomando was slain by order of some secret organization.

# CONSTITUTION RUNS AWAY.

(Continued from First Page.)

dependence and as she was two minutes more and then tacked.

The board was a short one, but the Constitution again tacked.

Constitution followed at 12:33:10; Independence at 12:34:00.

Here a Fine Spectacle.

The race was a fine spectacle at this point. They were not wide enough separated to strain the eye in watching Constitution five-eighths of a mile to windward. The three soared along with their great clouds of canvas fluttering occasionally as they sailed the wind.

They looked like three huge white eagles manoeuvring for a scrap.

Independence Behind at Start.

A few minutes after crossing the line the Constitution took a short tack to port. In order to establish safely to weather of the other two yachts, and then swung round to starboard, heading out to sea. Independence found the conditions almost exactly the same as in Saturday's race, and soon began to fall back to the leeward of the line.

After crossing the line the Constitution took a short tack to starboard in a nice breeze, and ten minutes after the start was well astern.

The Constitution, however, seemed to point higher and foot faster than ever and rapidly pulled out on the Columbia, so that within fifteen minutes she was a good eighth of a mile ahead.

On the starboard tack, the Constitution well in the lead. The Columbia and Independence had a nice little brush and Captain Barr outjockeyed Captain Leach.

From shore it looked as if Columbia crossed the line within the last few minutes, but in doing so she blanketed the Independence, so that, like the race on Saturday, the Boston boat was again handicapped.

After crossing the line the Constitution took a short tack to starboard in a nice breeze, and ten minutes after the start was well astern.

Independence Falls Behind.

All three yachts stood out to sea on the starboard tack, and again the Independence fell behind, seemingly unable to point up with the other boats in the long roll of the sea.

The yachts were sailing slowly, but as the leeward of the triangle will be off the wind they may possibly finish within the time limit.

In the first ten minutes of sailing the Constitution gained rapidly and had a good lead of at eighth of a mile over the other two boats.

Constitution Increased Lead.

The Constitution seemed to be in command.

JACOBY'S NINTH RESCUE.

Captain of the Yacht Seabird Saves One of His Party.

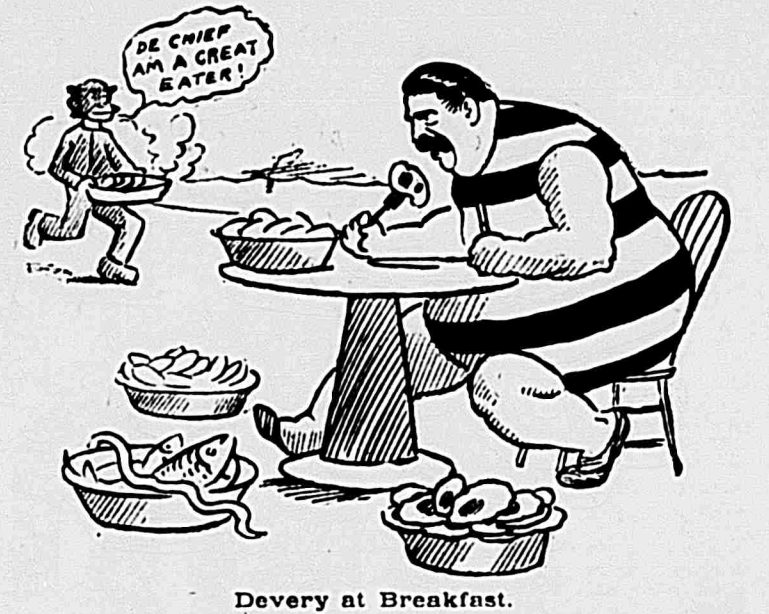
Henry Lehman, of this city, was cruising on Long Island Sound on the yacht Seabird, when he was thrown overboard by a sudden lurch of the boat. Unable to swim, he was in imminent danger of drowning.

Capt. Jacoby, of the yacht, jumped overboard and swam to Lehman's rescue, bringing him safely back to the boat.

This is the ninth person whom Capt. Jacoby has saved from drowning with his own hands. Lehman's accident is not known.

# A SUNDAY WITH DEVERY AT ROCKAWAY BEACH.

The "Big White Chief" Took an Early Morning Plunge, Told Stories, Ate a Hearty Dinner and Never Gave the Police Force a Thought.



Devery at Breakfast.

Devery spends his Sundays at the Seaside House, Rockaway Beach.

They are quiet Sundays, and for the nonce he forgets that he is the real head of the greatest police force in the world; he forgets all else save that he has a wife and charming daughter who have some demands upon his time.

Devery yesterday arose at 8:30 o'clock and donned a dark blue bathing suit. He threw a bathrobe around his portly figure and walked down the board walk to the ocean shore to take his morning dip. He had slept all night in Room 11, a corner apartment overlooking Jamaica Bay and which is cooled by the winds from the east and south.

The Deputy Commissioner of Police threw off his striped robe, hesitated a moment, and then walked into the surf, now rolling high, until he was waist deep.

Then he dived head on into a breaker and came up in the trough spluttering water, his gray hair hanging down over his broad brow in a bang.

For half an hour he swam about, jumped up with each succeeding breaker or turned his back as the ceaseless waves came in from the restless ocean. Coming out, he gave a shake as would a dog.

Devery Raising the Tide.

A Newfoundland dog, clearing himself of the surplus water. Then, donning his bathrobe, he listened, along the walk to the Seaside Hotel. Here he was greeted by his host, Wainwright, and went into the bar to drink a bottle of apollinaris water, which was relished.

Ready for Breakfast.

Devery went to his room and an hour later came down with his wife. He was clad in a checked tweed suit of gray and wore a straw hat.

For breakfast the Deputy Commissioner of Police ate some berries, then he had a cereal and concluded his meal with a rare steak and some potatoes.

Recreation Pier Crowd Saw Novel Aquatic Battle.

A crowd on the public recreation pier at South Third street, Williamsburg, was treated to a novel spectacle, which brought two prisoners into Lee Avenue Court, this morning.

Two men fought in boats in the river and in boats again, and both were put under arrest by a policeman in another boat.

Terence Mulholland, of No. 131 Berry street, Williamsburg, hired a rowboat yesterday afternoon from John McKenna, at the pier. He was cautioned not to go into the channel, as the current was too swift for safety.

Mulholland pulled far out into the stream and McKenna shouted for him to come back, and when his warning was disregarded started in another boat.

The boatman overtook his customer and grasped the gunwale of his boat. Mulholland struck at him with an oar.

Both arose and grappled, and in the struggle both boats were upset. The men continued fighting in the water until nearly exhausted, when they righted the boats and renewed the fight. Again they wrestled and again the boats upset. They were crowded on the pier screamed and Policeman Mack got into a boat and rowed to the belligerents. By this time the two had again righted their boats and were at each other once more. Both ceased and came ashore when the officer threatened to part them with an ungentle stroke of an oar.

Each refused to make a complaint in the Lee Avenue Court this morning and both were discharged.

25 INJURED IN TRAIN WRECK.

New York Express Ran Into at Columbus, Ohio.

COLUMBUS, O., July 8.—The New York express on the Pennsylvania Railroad, due at 1:25 this afternoon, was run into by a switch engine and cut of cars at the entrance to the Union Depot.

Two coaches of the passenger train were demolished. About twenty-five persons were hurt, several seriously.

a droll sense of humor introduced the ex-Congressman as his private secretary and "the man who talks for me."

Some Characteristics.

The "Big Chief" is reticent to a degree. He seldom talks unless he knows to whom he is speaking. With friends Devery is jolly, sociable and a good fellow. He can tell a good story and, what is as good, he can appreciate one. Devery is a better listener than speaker. His large blue eyes twinkle at the expression of humor and frown when vulgarity is suggested.

Devery is a man of simple tastes and simple habits. He rises at a late hour, takes a hearty breakfast, and then lounges about, when on vacation. He never drinks; apollinaris is his only tipple, or what not, but Devery—never. He smokes, not to excess, but more than the ordinary man. He never gambles.

For his daughter the "Big Chief" shows the most indulgent consideration and love. He is proud of her, and well he may be. Her every move is followed by a loving fatherly eye.

At 1:30 o'clock Devery ate and evidently enjoyed a Rhode Island clam-bake. He ate heartily of the clams, fish, crabs, lobster and chicken. Rising from the table with the look of a man who is satisfied with himself and the world he strolled again to the veranda, lighting a Perfecto as he went. Soon he was surrounded by friends, but among them none political save "Tim" Campbell.

At 7 o'clock the Big Chief had his supper. It was a light meal, nothing but some roasts, apollinaris and a cup of black coffee. The mineral water is Devery's favorite drink.

The evening was spent on the veranda. As the Commissioner puffed at his cigar and talked with the friends, the veranda rail he occasionally sighed but seldom spoke. He listened to others.

To a reporter for The Evening World Devery said: "If I come down here to rest with my wife and family, I leave police matters behind and don't borrow trouble. I am a private citizen for the time being."

At 11:30 o'clock Devery said good night to his friends and retired to his room. He and his friends left a call for 8:30 this morning, expecting at 10 o'clock to receive the strict discipline of the Police Department and the man who craves his indulgence and power.

Soon Timothy J. Campbell joined the party and the "Big Chief" with

Leaving Mrs. Devery "The Chief," as every one calls him, strolled onto the veranda and looked about at the throng of Sunday pleasure-seekers, and finally sought out a secluded corner of the veranda.

Here, alone, with his feet on the railing and looking out over the placid bay of Jamaica Bay, he lit a big Perfecto, a dark-colored cigar, fragrant and soothing.

Boats flitted by, and the "Big Chief" sat with his features immobile. He seemed to notice nothing. He looked, but all was a blank.

Then came an interruption. District Attorney Merrill, of Queens County, came to pay his respects. The Chief and Mr. Merrill sat there in the breeze that swept across the veranda, and talked of politics, not politics, but of two subjects the "Big Chief" takes when he is on a vacation, as yesterday.

Soon Timothy J. Campbell joined the party and the "Big Chief" with

DEAD ON THE SIDEWALK.

Billstein Poisoned, but Wife Will Not Accept Suicide Theory.

Frederick Billstein, a cement worker, of No. 518 West Fifty-first street, was found dead on Twelfth Avenue, around the corner from his home, to-day by Officer Steuel.

It was evidently a case of suicide, as a vial of carbolic acid was found on the pavement by the side of the dead man, and Dr. Prentice, of Bellevue, pronounced death due to carbolic acid poisoning.

Two letters were found on the body, one addressed to the dead man's wife. Mrs. Billstein is ill in bed. She will not accept the suicide theory. Her husband, she says, left the house at 4 o'clock as usual. He was happy at home and had no employment.

The Coroner has ordered an autopsy.

MISS OPDYKE DROWNED.

WATERLOO, N. Y., July 8.—Miss Fanny Opdyke, of Waterloo, about thirty years of age, was drowned in Cayuga Lake, near Canoga Point, near Canoga, while bathing.

She was the daughter of Edward Opdyke, of Cayuga, and sister of Charles Opdyke, a lawyer in Waterloo.

La Normande's Crew Made Vain Attempt to Save Haulot.

A baker named Haulot, on the French liner La Normande, jumped overboard while the steamer was on her way to this city.

The ship was stopped and a boat lowered, but too late to rescue the man. La Normande is due to-day. Haulot drowned himself July 2.

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BEGINNING TO-DAY, JULY 8,